

Based upon KRS 100.217-100.271, the Board of Adjustment is appointed by the Mayor and approved by the City Council.

The powers of the Board are as follows:

- A. Bylaws: The Board shall adopt bylaws for its own government.
- B. Administrative Review: The Board shall hear and decide upon appeals from decisions of the Enforcement Officer. The Board shall decide on questions involving literal interpretation of the Zoning Ordinance, shall interpret the exact location of district boundaries according to Ordinance 3.2, shall interpret the amount of off-street parking, loading and unloading areas required according to Section 2.71 through 2.73 and shall make only those other interpretations and decisions specifically delegated to it by the provisions of the Zoning Ordinance and the Kentucky Revised Statutes.
- C. Conditional Use: The Board shall have the authority to approve or disapprove application for conditional uses in conformance with Section 2.33 of the Zoning Ordinance.
- D. Variances: The Board may vary the strict application of the dimension and area regulations provided that unique conditions prevent strict conformance and would thus deprive the owner of the reasonable use of his premises. Financial disadvantage to the property owner shall not constitute conclusive proof of unnecessary hardship within the purpose of zoning. The Board shall not grant a variance unless all of the following general conditions are met:
 - 1. The specific conditions in detail which are unique to the Applicant's land and do not exist on other land in the same zone.
 - 2. The manner in which the strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land in the manner equivalent to the use permitted other landowners in the same zone.
 - 3. That the unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of the Zoning regulations.
 - 4. Reasons that the variance will preserve, not harm the public safety and welfare, and will not alter the essential character of the neighborhood.
- E. Special Variances: The Board may grant a variance when the following special condition is present in lieu of the four general conditions listed above:
 - 1. If and undeveloped lot of record existing before July 3, 1958, is too small to allow conformance with the dimension and area regulations and if the owner has owned no adjoining land since July 31, 1958, the Board may grant a variance to allow the owner the reasonable use of his premises.

When adjoining undersized lots of record are under the same ownership, shall not be used or sold separately except in conformance with the dimension and regulations of the Zoning Ordinance.